

104TH CONGRESS  
2D SESSION

# H. R. 3428

For the relief of certain former spouses of employees of the Federal Government.

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IN THE HOUSE OF REPRESENTATIVES

MAY 9, 1996

Mr. OXLEY introduced the following bill; which was referred to the Committee on Government Reform and Oversight

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## A BILL

For the relief of certain former spouses of employees of the Federal Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ELIGIBILITY FOR SURVIVOR ANNUITY BENE-**  
4       **FITS.**

5       For the purpose of determining eligibility for survivor  
6 annuity benefits for a former spouse under section 8341  
7 of title 5, United States Code, an application of any  
8 former spouse shall be approved if—

9               (1) the annuitant is deceased;

1           (2) the former spouse was living as of January  
2       1, 1992;

3           (3) the former spouse has not received Social  
4       Security benefits based on eligibility as the spouse of  
5       the annuitant;

6           (4) such application was filed on or after Janu-  
7       ary 1, 1989;

8           (5) the annuitant rendered at least 25 years of  
9       creditable service to the Federal Government;

10          (6) at the time of the annuitant's retirement,  
11       the annuitant and the former spouse had been mar-  
12       ried at least 25 years;

13          (7) at the time of the annuitant's retirement,  
14       the annuitant designated the former spouse to re-  
15       ceive survivor annuity benefits;

16          (8) the annuitant and the former spouse were  
17       divorced prior to September 14, 1978, and after the  
18       annuitant retired;

19          (9) neither at the time of the divorce nor at any  
20       time thereafter was a joint waiver of survivor annu-  
21       ity benefits executed between the annuitant and the  
22       former spouse;

23          (10) the divorce decree was silent as to survivor  
24       annuity benefits or designated the former spouse to  
25       receive survivor annuity benefits;

1           (11) subsequent to the divorce of the annuitant  
2           and the former spouse, the annuitant advised the  
3           Office of Personnel Management of the divorce;

4           (12) neither annuitant nor the former spouse  
5           married any other individual after their divorce from  
6           each other;

7           (13) no direct notice outlining or defining the  
8           former spouse's survivor annuity benefits election  
9           rights was delivered to the former spouse by the Of-  
10          fice of Personnel Management; and

11          (14) the former spouse has exhausted all judi-  
12          cial remedies up to and including remedies available  
13          through the United States Court of Appeals.

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